IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2373 OF 2005

Ashok Kumar Garg .....Petitioner.

V/s

Trent Limited & Anr. .....Respondents

Mr. Niranjan Lapashiya i/b M/s. Niranjan & Co. for the petitioner.
Mr. P.M. Rustoomkhan for the Respondent No.1.
Mr. U.V. Nikam, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 1st August, 2006

P.C.:

1. Heard the learned Counsel appearing on behalf of the the petitioner and the learned Counsel appearing on behalf of respondent No.1.

2. The issue raised in this petition has been squarely covered by the judgment of this Court dated 14-07-2006 delivered in a Group of Writ Petitions bearing No. 1659 of 2005 etc. and also by other judgments which have been referred to in the said judgment. In my view, therefore,

there is no reason to interfere with the order which is passed by the learned Magistrate.

3. The learned Counsel for the petitioner, however, submits that since the respondent No.1 had made an offer to this Court that the respondent No.1 is willing to be examined, it is not open now for the respondent No.1 to withdraw the said offer which was made to this Court. The learned Counsel for respondent No.1 submitted that this offer was made as the respondent No.1 was keen to proceed with the trial.

4. The submissions made by the learned Counsel for the petitioner cannot be accepted as it is obvious that the said offer was made by respondent No.1 without prejudice to their rights and contentions which are raised in the petition and, secondly, it is obvious that the said offer was made in order to ensure that the trial is not prolonged any further.

5. Petition is accordingly dismissed.

(V.M. KANADE, J.)